



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Fees [Prob. C. 11600; 10830]

DOD: 2-24-09

NEEDS/PROBLEMS/COMMENTS:

2. Petitioner requests that the Court approve his acts and proceedings as Executor including:

- *borrowing against and encumbering the real property of the estate without Court authorization, which is a violation of Probate Code §9800,*
- *using the funds received for purposes other than the purposes allowed by Probate Code §9800 (also a violation), including the majority for Petitioner's personal use ("a new business venture").*
- *This constitutes an unauthorized preliminary distribution in violation of Probate Code §11621, which states that the Court may authorize preliminary distribution if it appears that it may be made without loss to creditors or injury to the estate.*
- *Petitioner then sold the real property and used the remainder of the funds for personal use, which is further unauthorized preliminary distribution in violation of Probate Code §11621.*

Although Petitioner is the sole heir, his duty is first to the estate, including administration and payment of creditors. It appears that Petitioner's actions have resulted in an insolvent estate and an unpaid creditor.

The Court may require that any language approving these acts be stricken from the final order.

3. Petitioner requests to assume personal liability for payment of the creditor's claim and executed "Priority" and "Secondary Assignments of Beneficial Interest in Estate of Dorothy Jones Ripperdan," wherein he assigns his beneficial interest as an heir of his deceased great-aunt for payment of the balance of the attorney fees and Bank of America Creditor's Claim.

Petitioner explains that he was recently advised that he is an heir of this estate, which "may" be enough to pay the Creditor's Claim and the remainder of the statutory attorney fees, but that the principal asset of the estate is held by the California Controller's office and will "probably not be paid to him any time soon."

Examiner notes that Petitioner does not provide any information about this estate or decedent, and it does not appear to be an estate in this Court, and that any assignment would need to be made pursuant that estate's administration, not this one.

Further, Examiner is not aware of authority that would allow this Court to make an order for personal liability on a creditor's claim in reliance of a future possible source of income.

Lastly, these "Assignments" are only assignments of this possible future inheritance, and do not appear to include any personal assumption of liability.

The Court may require agreement of the creditor or alternative plan.

4. Under Probate Code §12205, the Court may reduce the attorney's compensation if the Court makes determinations that the time taken for administration exceeded the time required by this chapter, that the time was within control of the personal representative or attorney whose compensation is being reduced, and that the delay was not in the best interest of the estate. Here, Petitioner states the actions he took during estate administration were advised against by his counsel, which indicates that Attorney Barrus was aware of Petitioner's continuing actions, and regardless, was aware that estate administration was exceeding of the one year time frame provided by Probate Code §12200.

The Court may require clarification regarding the attorney's failure to timely close the estate or provide status report to disclose the cause of such failure, and may reduce the statutory compensation pursuant to Probate Code §12205. Examiner notes that such status report and disclosure pursuant to Probate Code §12201 may have prevented further action and damage to the estate, and may have prompted payment to the creditor, which would have allowed the estate to close and authorized payment to be made to Petitioner.

Atty Johnson, Kevin (pro per Administrator)

Atty Sanoian, Joanne (former attorney for Administrator Kevin Johnson)

**Petition for Payment to Joanne Sanoian of Extraordinary Fees and Costs
Advanced**

DOD: 6/25/2009		JOANNE SANOIAN , former attorney for Kevin Johnson, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states her office represented Kevin Johnson as Administrator of the Estate from approximately March 29, 2010 to March 11, 2011.	1. Petition requests 2 hours of time at \$40 per hour for services of her legal assistant. It appears that this is for secretarial services which pursuant to Local Rule 7.17B are considered by the court to be a part of the cost of doing business and therefore are not reimbursable.
Cont. from		Petitioner waives statutory fees for ordinary services rendered to the estate.	2. Need Order.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner is requesting fees for extraordinary services rendered to the estate in connection with an unlawful detainer action. The action was contested and resulted in a trial.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner requests fees totaling \$8,475.00 for total of 48.30 hours of attorney, paralegal and legal assistant time. Attorney time is billed at \$200 per hour, paralegal time is billed at \$125 per hour and legal assistant time is billed at \$40 per hour. Itemization of time is attached to the petition.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner further requests costs totaling \$1,260.00 for filing fees, process server, publication and probate referee.	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Petitioner requests the order for payment of fees and costs include a direction that said funds are to be either paid, a) directly from the escrow account now pending in this matter at Chicago Title, b) become a lien on the property at 408 W. Eden, Fresno and/or should be, c) withdrawn from that blocked account held in the name of Kevin Johns on behalf of the estate of Shirley Ann McCray.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	Reviewed by: KT
<input type="checkbox"/>	Aff. Posting		Reviewed on: 9/6/12
<input type="checkbox"/>	Status Rpt		Updates:
<input type="checkbox"/>	UCCJEA		Recommendation:
<input type="checkbox"/>	Citation		File 2 - McCray
<input type="checkbox"/>	FTB Notice		

(1) Second and Final Account and Report of Conservator; Petition for Its Approval;
 (2) For Allowance of Attorney's Fees and Costs; (3) For Authority to Deliver Assets
 and (4) for Discharge of Conservator [Prob. C. 1860, 2620, 2631 & 2640]

DOD: 7/6/12		SIGRID ANDERSON , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/1/2011 – 6/30/2012	
		Accounting - \$291,091.03	
Cont. from		Beginning POH - \$246,554.30	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$199,494.16	
<input checked="" type="checkbox"/>	Verified	Conservator - Not addressed	
<input type="checkbox"/>	Inventory	Attorney - \$4,362.00 (per	
<input type="checkbox"/>	PTC	itemization and declaration. 27.30 hours	
<input type="checkbox"/>	Not.Cred.	charged at \$280 per hour for attorney time and	
<input checked="" type="checkbox"/>	Notice of Hrg	\$140 per hour for paralegal time.)	
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$48.00 (unpaid	
<input type="checkbox"/>	Aff.Pub.	balance of the filing fee.)	
<input type="checkbox"/>	Sp.Ntc.	Current bond - \$330,440.00 (is	
<input type="checkbox"/>	Pers.Serv.	sufficient)	
<input type="checkbox"/>	Conf. Screen	Petitioner was appointed as Administrator of the	
<input type="checkbox"/>	Letters	Estate of Elizabeth Bremer on 7/26/12.	
<input type="checkbox"/>	Duties/Supp	Petitioner prays for an Order:	
<input type="checkbox"/>	Objections	1. Approving, allowing and settling the	
<input type="checkbox"/>	Video Receipt	second and final account.	
<input type="checkbox"/>	CI Report	2. Authorizing payment of attorney fees	
<input checked="" type="checkbox"/>	2620	and costs	
<input checked="" type="checkbox"/>	Order	3. Delivery of the remaining property on	
<input type="checkbox"/>	Aff. Posting	hand to Sigrid Anderson, as Administrator	
<input type="checkbox"/>	Status Rpt	of the Estate of Elizabeth Bremer.	
<input type="checkbox"/>	UCCJEA		Reviewed by: KT
<input type="checkbox"/>	Citation		Reviewed on: 9/6/12
<input type="checkbox"/>	FTB Notice		Updates:
			Recommendation:
			File 3 – Bremer

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

5

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 6/6/12		THERESA JOHNSON , named executor without bond, is petitioner. Full IAEA – o.k. Will dated: 6/1/1995 Codicil dated: 12/13/1995 Residence: Fresno Publication: Fresno Business Journal Estimated Value of the Estate: Personal property - \$240,000.00 Probate Referee: STEVEN DIEBERT	NEEDS/PROBLEMS/COMMENTS: 1. Robert Lester, named alternate executor, was not listed on #8 of the petition. 2. Need proof of service of the Notice of Petition to Administer the Estate on Robert Lester, named alternate executor, pursuant to Probate Code 8110(b). <u>Note:</u> Status hearings will be set as follows: <ul style="list-style-type: none"> Friday, February 8, 2013 at 9:00 a.m. in Department 303 for the filing of the inventory and appraisal, and Friday, November 8, 2013 at 9:00 a.m. in Department 303 for the filing of the first account or final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 9/6/12				
Updates:				
Recommendation:				
File 6 - Johnson				

Age: 16 years DOB: 10/25/1995		GENERAL HEARING 10/30/12		NEEDS/PROBLEMS/COMMENTS:	
		PEARL BRICE-AUSTIN , sister, is petitioner.		1. Need Notice of Hearing.	
		Father: JOHN H. GRICE		2. Need proof of personal service, 5 court days prior to the hearing, of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:	
Cont. from		Mother: YVETTE FISHER		a. Briana Grice (minor)	
<input type="checkbox"/>	Aff.Sub.Wit.			b. John Grice (father)	
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: Deceased		c. Yvette Fisher (mother)	
<input type="checkbox"/>	Inventory	Paternal grandmother: Marie Bachelor			
<input type="checkbox"/>	PTC	Maternal grandparents: unknown			
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	Petitioner states mom is homeless and on drugs. A temporary guardianship is needed to handle school and medical issues.		
<input type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
Reviewed by: KT					
Reviewed on: 9/6/12					
Updates:					
Recommendation:					
File 7 - Grice					

Atty Campos, Denise (pro per Petitioner/maternal aunt)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

David age: 15 DOB: 9/12/1997	GENERAL HEARING 10/31/2012		NEEDS/PROBLEMS/COMMENTS:
Vincent age: 13 DOB: 10/2/1998	<p>DENISE CAMPOS, maternal aunt, is petitioner.</p> <p>Father: DAVID SANCHEZ</p> <p>Mother: SHANNON COLLEEN BENNETT</p> <p>Paternal grandparents: Not listed Maternal grandparents: Not listed</p> <p>Petitioner states mom is mentally unstable. Mom is abusing prescription medication and possibly illegal drugs as well.</p> <p>Objections of mother, Shannon Bennett, filed on 9/6/12 states she is fully capable of caring for her two children. They both reside with her. They are both in school full time and have expressed a desire to stay in the home with their mother. Mom states she is currently collecting unemployment and seeking full time work. Mom states her job downsized and her department and job was eliminated.</p>		
Cont. from			<p>3. Need Notice of Hearing.</p> <p>4. Need proof of personal service, 5 court days prior to the hearing, of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:</p> <p>d. David Caywood-Hernandez (minor)</p> <p>e. Vincent Caywood-Sanchez (minor)</p> <p>f. David Sanchez (father)</p> <p>g. Shannon Colleen Bennett (mother)</p>
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
✓ Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 9/6/12
			Updates:
			Recommendation:
			File 8 – Caywood-Hernandez & Caywood-Sanchez